REMARKS

The Office Action dated August 13, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3-6, 9, 11, 16, and 24-41 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 43 has been added. No new matter has been added. Claims 1-43 are respectfully submitted for consideration.

Claims 1, 14, 15, 24, and 40 were rejected under 35 U.S.C. 102(b) as being anticipated by EP 1 089 515 to Morrow (Morrow). This rejection is respectfully traversed.

Independent claim 1, upon which claims 2-24 are dependent, recites a method that includes setting a load control information in a predetermined field of a message. The method also includes routing said message in said packet data network. The method additionally includes checking said load control information on the routing path of said message. The method further includes selecting a processing resource of said packet data network in response to the result of said checking of said load control information.

Independent claim 25 recites a method that includes creating a first load control information in a first network element. The method also includes setting said first load control information into a predetermined field of a message. The method additionally includes routing said message to a second network element. The method further includes

storing said first load control information in said second network element. The method also includes creating a second load control information in said second network element. The method additionally includes setting said second load control information into a predetermined field of a second message. The method also includes routing said second message to said first network element. The method includes storing said second load control information at said first network element.

Independent claim 26, upon which claims 27-31 are dependent, recites an apparatus that includes a checking unit configured to check load control information provided in a predetermined field of a message. The apparatus also includes a selecting unit configured to select a processing resource for said message in response to said checking means.

Independent claim 32, upon which claims 33-39 are dependent, recites an apparatus that includes a transmitting unit configured to transmit a message to a packet data network. The apparatus is configured to set into a predetermined field of said message a load control information to select processing resources of said packet data network.

Independent claim 40, upon which claim 42 is dependent, recites a system that includes a first network element for setting a load control information in a predetermined field of a message to be routed in said packet data network. The system also includes a second network element for checking said load control information on the routing path of

said message; and for selecting a processing resource of said packet data network in response to the result of said checking of the load control information.

Independent claim 41 recites a system that includes a first network element configured to create a first load control information and configured to set said first load control information into a predetermined field of a message. The system also includes a second network element for configured to receive said message, to store said first load control information, to store a second load control information, to set said second load control information into a predetermined field of a second message, and to route said second load control information to said first network element. The first network element is configured to store said second load control information.

As will be discussed below, Morrow fails to disclose or suggest all of the elements of any of the presently pending claims.

Morrow generally describes a system for providing intelligently selecting a call control server or call session control functions from a plurality of call control servers, for processing calls in a telecommunications network. See abstract of Morrow. However, it is respectfully submitted that Morrow does not disclose or suggest that a load control information is set in a pre-determined field of a message, and that the load control information of the message is checked on its routing path. Rather, Morrow merely describes setting a load control information in a route table 24 of a network address translation device NAT 14. (Emphasis Added).

The Office Action took the position that paragraph [0022] of Morrow teaches "selecting a processing resource of said packet data network in response to the result of said checking step," as previously recited in claim 1. Applicants respectfully disagree with Office Action's position.

Paragraph [0022] of Morrow merely describes using of route table entries "l" and "f" for indicating IP addresses and address translation, respectively. Paragraph [0023] to [0025] of Morrow merely describes checking of the entries of the route table 24.

The only message-based checking operation disclosed in Morrow is described in paragraph [0029]. In Morrow, a route update message is described to be received by the NAT 14 and checked with respect to the load sharing status of each CSCF. In particular, in step 76 of Fig. 6C, an alternative is described where the parameters "D" and "n" are told explicitly in the message, which means that these parameters are set in this route update message. However, these parameters cannot be interpreted as load control information. According to column 6, lines 21 and 22 of Morrow, the parameter of field "n" indicates how many CSCFs are usable, whereas the parameter "T" indicates a scope value or scope number according to paragraph [0028] of Morrow.

Contrarily, no selection of processing resources is performed **in response to** the result of a checking step in which the control information of the route update message is checked. Thus, load control is not suggested to be performed using the route update message **itself**. Rather, the route update message disclosed in Morrow is to be regarded as a separate load balancing message, whereas load balancing information is sent in a

normal message with other normal content according to the presently pending claims. (Emphasis Added).

In view of the above, Morrow fails to disclose or suggest all of the features of claims 1, 25, 26, 32, 40, and 41. Accordingly, it is respectfully requested that the rejection of independent claims 1 and 40 be withdrawn. Claims 14, 15, and 24 are dependent upon claim 1. Thus, claims 14, 15, and 24 should be allowed at least for their dependencies upon claim 1.

Claims 2, 6-8, 10-13, 18-22, 32, 33, 35, and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of U.S. Patent No. 5,914,953 to Krause et al. (Krause). This rejection is respectfully traversed.

Krause generally describes a processing system includes multiple processor units and multiple input/output elements communicatively interconnected by a system area network having a plurality of multi-ported router elements.

As discussed above, Morrow fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Krause fails to cure the deficiencies of Morrow, and, thus, the combination of Krause and Morrow fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. It is respectfully requested that the rejection of claim 32 be withdrawn. Claims 2, 6-8, 10-13, 18-22, 33, 35, and 42

are dependent upon claims 1, 32, and 40. Accordingly, claims 2, 6-8, 10-13, 18-22, 33, 35, and 42 should be allowed at least for their dependencies upon claims 1, 32, and 40.

Claim 3-5 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Krause and further in view of U.S. Patent No. 6,678,735 to Orton et al. (Orton). This rejection is respectfully traversed.

Orton generally describes a method for communicating using Session Initiation Protocol (SIP) is provided. The method provides mechanisms by which client applications need not maintain information pertaining to the routing of messages. See abstract of Orton.

As discussed above, Morrow and Krause fail to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Orton fails to cure the deficiencies of Morrow, and, thus, the combination of Krause, Orton, and Morrow fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Claims 3-5 and 36 are dependent upon claims 1 and 32. Accordingly, claims 3-5 and 36 should be allowed at least for their dependencies upon claims 1 and 32.

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Krause and further in view of U.S. Patent No. 7,177,642 to Sanchez Herrero et al. (Sanchez). This rejection is respectfully traversed.

Sanchez generally describes a method for supporting multiple registration from the same user requested from different terminals in a telecommunications system requiring to manage information related to the location of said user and related to the plurality of identifiers that identify said user in said system. See abstract of Sanchez.

As discussed above, Morrow and Krause fail to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Sanchez fails to cure the deficiencies of Morrow, and, thus, the combination of Sanchez, Morrow, and Krause fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Claim 9 is dependent upon claim 1. Accordingly, claim 9 should be allowed at least for its dependency upon claim 1.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Krause and Oroton and further in view of Sanchez. This rejection is respectfully traversed.

As discussed above, Morrow, Krause, and Orton fail to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Sanchez fails to cure the deficiencies of Morrow, Krause, and Oroton, and, thus, the combination of Sanchez, Orton, Morrow, and Krause fails to disclose or

suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Claim 16 is dependent upon claim 1. Accordingly, claim 16 should be allowed at least for its dependency upon claim 1.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of U.S. Patent No. 6,888,828 to Partanen et al. (Partanen). This rejection is respectfully traversed for the following reasons.

35 U.S.C. 103 (c) states that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. (2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if (A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made; (B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and (C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement."

Because Partanen is a patent that was issued later than the present application was filed, and because Partanen is a Nokia patent (i.e. was under a mutual obligation of assignment to Nokia Corp. as was the present application), Partanen is not proper prior art to show obviousness of the claims of the present application. Partanen is barred from such use by 35 U.S.C. 103(c). As such, it is respectfully requested that the rejection of claim 17 be withdrawn.

Claims 23 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Krause and further in view of U.S. Patent No. 6,115,361 to Fredericks et al. (Fredericks). This rejection is respectfully traversed.

Fredericks generally describes a method for implementing a link level service in a computer network having a first port device and a second port device coupled by a communication link. See abstract of Fredericks.

As discussed above, Morrow and Krause fail to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Fredericks fails to cure the deficiencies of Krause and Morrow, and, thus, the combination of Morrow, Krause, and Fredericks fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Claims 23 and 37 are dependent upon claims 1 and 32. Accordingly, claim 23 and 37 should be allowed at least for their dependencies upon claims 1 and 32.

Claim 25 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Fredericks. This rejection is respectfully traversed.

As discussed above, Morrow fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Fredericks fails to cure the deficiencies of Morrow, and, thus, the combination of Morrow and Fredericks fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. As such, it is respectfully requested that the rejection of claims 25 and 41 be withdrawn.

Claims 26 and 29-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sanchez. This rejection is respectfully traversed.

As discussed above, Morrow fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Sanchez fails to cure the deficiencies of Morrow, and, thus, the combination of Morrow and Sanchez fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. As such, it is respectfully requested that the rejection of claim 26 be withdrawn. Claims 29-31 are dependent upon

claim 26. Accordingly, claims 29-31 should be allowed at least for their dependencies upon claim 26.

Claims 27, 28, and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sanchez and further in view of Krause. This rejection is respectfully traversed.

As discussed above, Morrow fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Krause fails to cure the deficiencies of Morrow and Sanchez, and, thus, the combination of Morrow, Sanchez, and Krause fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Claims 27, 28, and 34 are dependent upon claims 26 and 32. Accordingly, claims 27, 28, and 34 should be allowed at least for their dependencies upon claim 26 and 32.

Claims 38 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Krause and Fredericks and further in view of Sanchez. This rejection is respectfully traversed.

As discussed above, Morrow and Krause fail to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Sanchez fails to cure the deficiencies of Morrow, Krause, and Fredericks, and, thus,

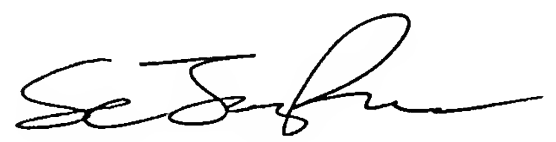
the combination of Sanchez, Morrow, Krause, and Fredericks fails to disclose or suggest, at least, "selecting a processing resource of said packet data network in response to the result of said checking of said load control information," as recited in claims 1, 25, 26, 32, 40, and 41. Claims 38 and 39 are dependent upon claim 32. Accordingly, claims 38 and 39 should be allowed at least for its dependency upon claim 32.

For at least the reasons discussed above, it is respectfully submitted that the cited prior art fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-43 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
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